



IFWJ#

PATENT  
ATTORNEY DOCKET NO. 045070-5036

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
	)	Confirmation No.: 9270
Yuji IMAIZUMI et al.	)	
	)	Group Art Unit: 1651
Application No.: 10/671,721	)	
	)	Examiner: R. Kosson
Filed: September 29, 2003	)	
	)	
For: APPARATUS AND METHOD FOR	)	
MEASURING INTRACELLULAR	)	
REACTIONS	)	

The Commissioner for Patents  
U.S. Patent and Trademark Office  
**Mail Stop Amendment**  
Alexandria, VA 22314

Sir:

**RESTRICTION REQUIREMENT TRANSMITTAL FORM**

1. Transmitted herewith is a Response to Restriction Requirement in reply to the Office Action dated April 20, 2005.
2. Additional papers enclosed:
  - ☐ Drawings: ☐ Formal ☐ Informal (Correction)
  - ☐ Information Disclosure Statement
  - ☐ Form PTO-1449, \_\_\_\_\_ references included
  - ☐ Citations
  - ☒ Preliminary Amendment

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- ☒ Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicants have inadvertently overlooked the need for a petition and fee for extension of time.
- ☐ Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 120.00	\$ 60.00
<input type="checkbox"/> two months	\$ 450.00	\$ 225.00
<input type="checkbox"/> three months	\$ 1,020.00	\$ 510.00
<input type="checkbox"/> four months	\$ 1,590.00	\$ 795.00

Extension of time fee due with this request: \$ 0.00

If an additional extension of time is required, please consider this a Petition therefor.

- ☐ An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

- ☒ EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	39	minus	23	16	x \$50 each =	+ \$ 800.00
Independent Claims (37 C.F.R. §1.16(b))	6	minus	6	0	x \$200 each =	+ \$ -0-
[ ] First presentation of Multiple dependent claim(s)					\$360.00	+ \$ -0-
SUB-TOTAL =						\$ -0-
Reduction by ½ for filing by a small entity						- \$
TOTAL FEE =						\$ 800.00

6. Fee Payment

- ☐ No fee is to be paid at this time.
- ☒ The Commissioner is hereby authorized to charge **\$800.00** for additional claims fee (16 additional dependent claims) to Deposit Account No. 50-0310.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**Dated: May 18, 2005

By: Mary Jane Boswell  
 Mary Jane Boswell  
 Reg. No. 33,652

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## RESPONSE TO RESTRICTION REQUIREMENT

In a Restriction Requirement under 35 U.S.C. § 121 dated April 20, 2005 (Paper No. 20050414) to elect a Invention, Applicants provide the following responses.

Applicants hereby elect without traverse the invention defined by the Examiner as Invention III (claims 16–20), drawn to an apparatus for measuring intracellular reactions. In addition, Applicants respectfully submit concurrently herewith a Preliminary Amendment including amendments to claim 16 to further define the invention and new claims 24-39 which depend from amended independent claim 16. Applicants respectfully request entry of the Preliminary Amendment prior to a formal examination of above-identified examination. Moreover, Applicants respectfully submit that amended independent claim 16 is a generic claim. Accordingly, Applicants respectfully request claims 16-20 and 24-39 be examined together and respectfully request the formal examination of the above-identified application.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 136 not accounted for above, such extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

By: 

Mary Jane Boswell

Reg. No. 33,652

Dated: May 18, 2005

Customer No. 09629

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